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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,052	03/01/2004	Kuo Tsung-Jung	251209-1150	2867

24504 7590 11/15/2007
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EXAMINER

KAYRISH, MATTHEW

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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11/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/791,052

Applicant(s)

TSUNG-JUNG, KUO

Examiner

Matthew G. Kayrish

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-23 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's pre-appeal brief, filed 7/21/2007, with respect to the rejection of claims 20, 22, 23 and 25 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. In view of the pre-appeal conference, the finality of the previous office action has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Shirashima et al (US Patent Number 6275465) and Kurita et al (US Patent Number 6804174).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20, 22, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shirashima et al, in view of Kurita et al.

Regarding claim 20, Shirashima discloses:

A disk-anchoring device of an optical disk device, comprising:

A substrate (figure 2, item 23);

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A clasper frame (figure 1, item 26) for holding a clasper (figure 1, item 27), pivoted (figure 2, via items 23a & 28) on said substrate and having a first protrusion portion (figure 2, item 29);

A sliding element (figure 1, item 33), movably mounted on said substrate (column 6, lines 37-41) and having an inclined portion (figure 1B, item 33b), and a second protrusion (figure 1B item 33B);

Wherein, when said sliding element is moved on said substrate, said first protrusion portion is relatively moved along an inclined surface of said inclined portion (column 6, lines 41-52) so as to swing said clasper frame (figure 1A, arrow a1-a2);

Shirashima fails to specifically disclose:

Wherein, after a disk is loaded into the optical disk device, said second protrusion portion abuts and pushes said first protrusion portion.

Kurita discloses:

A substrate (figure 4, item 9);

A sliding element (figure 4, item 27);

A frame (figure 4, item 36) having a first protrusion (figure 4, item 36b);

A second protrusion (figure 4, item 28) on the sliding element having an inclined portion (figure 4, item 28c);

Wherein, after a disk is loaded into the optical disk device (figure 9), said second protrusion portion abuts and pushes said first protrusion portion (figure 9, columns 9 & 10, lines 55-67 & 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to place the protrusion of the clamping frame of Shirashima to contact the protrusion of the sliding element, as taught by Kurita, because this will regulate the extent to which the clasper clamps the disc, so as not to clamp too hard, resulting in a scratch, as suggested in columns 9 & 10, lines 55-67 & 1, and displayed in figure 9.

Regarding claim 22, Shirashima and Kurita disclose the features of base claim 20, as stated in the 103 rejection above, Shirashima further disclosing:

An elastic element (figure 2, item S) disposed on said substrate (figure 2, connected to substrate via 23c) and providing a force on said clasper frame (column 5, lines 59-65).

Regarding claim 23, Shirashima and Kurita disclose the features of base claim 20, as stated in the 103 rejection above, Shirashima further disclosing:

Wherein said clasper frame (figure 2, item 26) has a clamping flange (figure 1, item 35), and said clasper is mounted on said clamping flange (figure 1, item 27 is supported by item 35).

Regarding claim 25, Shirashima and Kurita disclose the features of base claim 20, as stated in the 103 rejection above, Shirashima further disclosing:

Wherein said sliding element further has a third protrusion portion (figure 1, item 33C), and before a disk is loaded into the optical disk device (figure 1A), said third protrusion portion (figure 1, item 33) contacts (23f contacts groove of protrusion 33C) and supports said first protrusion portion (figure 1, item 23f is supported by item 33C).

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shirashima et al and Kurita et al, as applied to claim 20 above, and further in view of Ota et al (US Patent Number 6721263).

Regarding claim 21, Shirashima and Kurita disclose the features of base claim 20, as stated in the 103 rejection above, but fail to specifically disclose:

A disk-anchoring device with a magnetic element in the clasper.

Ota discloses:

A disk-anchoring device with a magnetic element in the clasper (column 1, lines 38-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a disk clasper with a magnet, so as to attract the turntable to clamp the disk.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Kayrish whose telephone number is 571-272-4220. The examiner can normally be reached on 8am - 5pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew G. Kayrish

11/2/2007

MGK



11/2/07

**Brian E. Miller /Brian E. Miller/
Primary Patent Examiner AU2627**